



Entered on Docket
April 01, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE J
JIREH'S CORPORATION LOAN**

Hearing Date: March 25, 2008
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Second Omnibus
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon
3 Investment in the J Jireh's Corporation Loan (the "Objection") [DE 5835]. Adequate
4 notice of the Objection was given. The Court heard the Objection on March 25, 2008. No
5 responses were filed to the Objection and no opposition was raised at the hearing. Good
6 cause appearing,

7 IT IS ORDERED:

- 8 • Sustaining the Objection;
- 9 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they
10 are based upon an investment in the J Jireh's Corporation Loan. The Proofs of
11 Claim listed in Exhibit A are not affected by this order to the extent they are
12 based upon an investment in a loan(s) other than the J Jireh's Corporation Loan;
13 and
- 14 • Reserving the right of any party in interest, including the USACM Trust, to
15 further object to the Proofs of Claim listed on Exhibit A attached.

16 ###

17 PREPARED AND SUBMITTED:

18 **LEWIS AND ROCA LLP**

19 By: /s/ RC (#0006593)

20 Susan M. Freeman

21 Rob Charles

22 John Hinderaker

23 *Attorneys for USACM Liquidating Trust*
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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

**J JIREH'S
Multiple Loan Claim**

**EXHIBIT A
SECOND OMNIBUS OBJECTION**

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the J Jireh's Loan
10725-00297	Michael Donahue	1795 Newhall Avenue Cambria, CA 93428-5507	\$250,000.00	\$50,000.00
10725-02144	Michael S. Freedus DDS PC Defined Benefit Pension P	2535 Lake Road Delanson, NY 12053	\$251,370.92	\$50,000.00
10725-02404	Eric B. and Linda P. Freedus JT TEN	5008 Nighthawk Way Oceanside, CA 92056	\$304,419.00	\$50,000.00
10725-02286	John A. M. Handal	3575 Siskiyou Court Hayward, CA 94542	\$711,472.73	\$100,000.00
10725-02058	Suze Harrington	2131 Connor Park Cv Salt Lake City, UT 84109-2468	\$304,534.25	\$50,000.00
10725-02042	Herd Family Trust DTD 4/23/99	c/o Allen and Marilyn Herd TTEES 598 Alawa Place Angels Camp, CA 95222-9768	\$303,044.51	\$100,000.00
10725-00500	Everett H. Johnston Family Trust DTD 1/24/90	c/o Everett H. Johnston Trustee P.O. Box 3605 Incline Village, NV 89450-3605	\$668,305.12	\$100,000.00
10725-02127	Phyllis Johnson	c/o Ron Johnson P.O. Box 27 Reno, NV 89504	\$101,400.00	\$50,000.00
10725-02262	Phyllis Johnson	c/o Ron Johnson P.O. Box 27 Reno, NV 89504	\$101,400.00	\$50,000.00
10725-01898	Morris Massry	c/o Segel Goldman Mazzotta & Siegel PC 9 Washington Square Albany, NY 12205	\$1,802,040.00	\$101,527.78